

LEON COUNTY DEVELOPMENT SERVICES POLICY AND PROCEDURES MANUAL



FOR PERMITTING DEVELOPMENT IN THE URBAN SERVICES AREA PURSUANT TO THE LEON COUNTY/CITY OF TALLAHASSEE WATER AND SEWER AGREEMENT

Prepared by the Growth and Environmental Management Department
Development Services Division
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**POLICIES AND PROCEDURES FOR PERMITTING DEVELOPMENT IN THE
URBAN SERVICES AREA PURSUANT TO THE LEON COUNTY/CITY OF
TALLAHASSEE WATER AND SEWER AGREEMENT**

A. GENERAL INFORMATION

On February 11, 1993, Leon County and the City of Tallahassee entered into an agreement that outlines the conditions under which the City of Tallahassee will provide water and sewer to development in the unincorporated portion of the Urban Services Area (U.S.A.). The effective date of the agreement is May 1, 1993.

B. AUTHORITY AND PURPOSE

The Leon County/City of Tallahassee Water and Sewer Agreement (the Agreement) was entered into by the County and City as a result of the Department of Community Affairs' (DCA) objections to the County's previously adopted water and sewer policies as stated in the 2010 Comprehensive Plan. The agreement is part of an overall settlement agreement between the County and DCA.

The purpose of the Policies and Procedures Manual is to provide guidance to staff and the public regarding implementation of the Agreement during the land development review and permitting process for new development proposed within the U.S.A. The terms and requirements of the Agreement shall prevail over the content of this Policies and Procedures Manual. Please refer to the Agreement for specific language and conditions. Copies of the Agreement are available from the Development Review Division, 3401 West Tharpe Street, Tallahassee, Florida 32303. The telephone number is (904) 488-9300.

C. DESIGNATION OF AUTHORITY

The agency that has the responsibility of the implementation of these policies and procedures is the Department of Growth and Environmental Management, Development Review Division which is located at 3401 West Tharpe Street, Tallahassee, Florida 32303. All questions regarding this manual should be directed to the Development Review Division at (904) 488-9300.

D. DEFINITIONS

The words, terms, and phrases referenced in this Policies and Procedures Manual are those as defined in the Leon County Code of Laws.

E. EXEMPTIONS

The following areas within the unincorporated U.S.A. are not a part of the City of Tallahassee water and sewer franchise area as granted by the County through the Agreement and are therefore exempted* from the provisions of the Agreement.

1. Areas where the County has previously granted a water and/or sewer franchise to a provider other than the City of Tallahassee.
2. Areas where there is an non-franchised private water and sewer system.
3. Areas where Talquin Electric Cooperative has electric territory.
4. Residential areas (platted subdivisions) existing on the effective date of this agreement which have been developed with septic tanks where the average lot size is 1.5 acres or smaller.
5. The reinstatement or relocation of a mobile home where sufficient existing infrastructure has been previously installed to support the resumption of the mobile home use on that parcel at that location pursuant to Section 10-861 of the Leon County Code of Laws.

Maps of the unincorporated U.S.A. delineating the areas exempted through the provisions of numbers 1 through 4 above will be developed by the County Public Works Department in conjunction with the Planning Department and City Public Works Department, and will be available for public review at the Department of Growth and Environmental Management and the County Public Works Department on the second floor of the County Courthouse. Also, a complete list of subdivisions excluded from the provisions of the Agreement via the criteria identified in number 4 above will be developed by Leon County Public Works and the Planning Department, and will be available for public review at the Department of Growth and Environmental Management, Development Review Division and the Public Works Department.**

Under the Agreement, any residential area exempted from the City's water and sewer franchise area within the unincorporated U.S.A. under the provisions outlined in number 4 may petition the City for providing water and sewer service based on a procedure approved by the City and County Commissions. If the petition is approved by the City, the City shall petition the County for the grant of franchise for the exempted residential area.

F. NEW DEVELOPMENT WITHIN THE CITY'S FRANCHISE AREA - SERVICE AVAILABLE

*Exemptions apply to properties excluded from the City's franchise area. Such properties may not be exempted from density, connection and/or fee payment provisions which are incorporated in the existing Local Comprehensive Plan and/or Land Development Regulations.

**The maps and subdivision lists are currently in the developmental stage and we are unaware when they will be available at this time.

All new development (excepted as exempted under the provisions of Section E above) within the unincorporated portion of the U.S.A. shall be required to connect to the City's water and sewer system if the system is available. For purposes of the Agreement, available shall mean that any portion of the City's water and/or sewer system is located within 1,000 feet of the proposed development's property line as measured along existing or proposed right-of-way or utility easement that will:

1. Exist within 180 days of an approved site and development plan or the issuance of a final development order whichever comes first; or
2. Exist within 365 days if any additional rights-of-ways or utility easements must be acquired by the City in order to accomplish the extension of water and sewer service to the proposed development.

The availability determination will be made by Development Review at the time of permitting. The determination will be made based on maps generated by the Public Works Department. These maps will identify the areas exempted from the provisions of the Agreement pursuant to Sections 3(1), (2), (3), and (4) above, the current location of the City's water and sewer service inside the franchise area within the U.S.A., and the location of all improvements being planned pursuant to the City's approved five (5) year capital extension plan. These maps will be updated on a yearly basis contingent upon the County's approval of the City's annual five (5) year capital improvement plans for water and sewer expansion. If the determination is unclear, the final determination will be made in conjunction with the City Water and Sewer Department.

If City water and sewer is determined to be available, County staff will collect (or require payment to the City) all applicable City related systems charges and other associated impacts fee prior to the issuance of a Certificate of Concurrency or a final development order whichever is first. Finally, the development will be required to connect to the City's water and sewer system pursuant to the provisions of Section 18-15 of the Leon County Code of Laws (as proposed by the Public Works Department).

G. NEW DEVELOPMENT WITHIN THE CITY'S FRANCHISE AREA - SERVICE NOT AVAILABLE

All new development (except as exempted under the provisions of Section E above) within the unincorporated portion of the U.S.A. shall be allowed to install or receive water and sewer service from the following systems when service is not available for the City as defined in F above.

1. Individual potable water wells and community water systems. The distribution system associated with a community water system shall be

G. NEW DEVELOPMENT WITHIN THE CITY'S FRANCHISE AREA - SERVICE
NOT AVAILABLE (Cont.)

constructed and then dedicated to the City in the same manner as any other distribution system in the City system. Design and construction costs shall be borne exclusively by the developer. (NOTE: Although the agreement states that individual wells are to be dedicated to the City, it is our assumption that the intent was to only require dedication of "community water systems" and not individual potable wells).

2. Small sewage treatment plants. Any such sewage treatment facility shall be constructed by the developer according to City construction standards and designed to meet DER treatment standards or average treatment levels at the City's TPS Treatment Plant, whichever is higher. Design and construction costs shall be borne exclusively by the developer. Upon completion of the facility, it shall be dedicated to the City and the City shall then be responsible for its operation. By the year 2010, the City shall be obligated to connect any treatment facility authorized by this paragraph to its central treatment system. The collection system associated with such a facility shall be constructed and then dedicated to the City in the same manner as any other distribution system in the City system.

3. Septic tanks may be used on lots of one (1) acre or larger in size and on lots of no less than one-half acre in residential subdivisions of six (6) lots or less. In residential subdivisions of seven (7) lots or more with lots smaller than one (1) acre, or non-residential development of 2,500 square feet or less, septic tanks may be used subject to the following provisions:
 - a. Payment of City systems charges.
 - b. Dedication of utility easements/right-of-way for future installation of City water and sewer lines
 - c. Connection to the City's water and sewer system when it becomes available pursuant to F above. The City shall make the system available by the year 2010.
 - d. Payment of County assessments of the on-site water and sewer installation costs within the area at the time the City is ready to provide water and sewer service.
 - e. Include deed or plat restrictions requiring the current or future property owners to connect to City water and sewer when the service becomes available pursuant to F above.

Non-residential development in excess of 2,500 square feet, except community service facilities as identified in Policy 2.1.3 [SS] of the 2010 Comprehensive Plan, shall not be permitted with septic tanks pursuant to the provisions identified above. Pursuant to

the 2010 Comprehensive Plan community facilities include the following uses: community services (libraries, religious facilities, police/fire stations); light infrastructure (water well, water tanks, sewage pump stations, electric substations); heavy infrastructure (maintenance yards, motor pools, airports, land fills, sewage treatment plants, correctional facilities); post-secondary (public or private - universities, colleges, vocational/technical schools).

H. EXPANSION TO EXISTING RESIDENTIAL DEVELOPMENT WITHIN THE CITY'S FRANCHISE AREA

A proposed expansion to an existing residential development (including an accessory apartment as defined in Section 10-1103 of the Leon County Code of Laws) inside the City's franchise area serviced by an existing and properly functioning septic system as determined by the County Environmental Health Unit shall not be required to connect to the City's system even if water and sewer are available pursuant to Section F above if the proposed expansion can be serviced by the existing septic system as determined by the County Environmental Health Unit. If the proposed expansion can not be serviced by an existing septic tank as determined by the County Environmental Health Unit, the developer will be required to connect to the City's water and sewer system pursuant to the provisions of Section 18-15 of the Leon County Code of Laws if the service is available pursuant to Section F above. If the service is not available pursuant to the provisions of Section F above, then the developer shall meet the provisions of Section G above. Drainfield expansion or repair shall not be considered expansion of the existing on-site septic system.

I. EXPANSION OF EXISTING NON-RESIDENTIAL USES WITHIN THE CITY'S FRANCHISE AREA

A proposed expansion of up to 2,500 square feet to an existing non-residential development inside the City's franchise area serviced by an existing and properly functioning septic system as determined by the County Environmental Health Unit shall not be required to connect to the City's system even if water and sewer are available pursuant to Section F above if the proposed expansion can be serviced by the existing septic system as determined by the County Environmental Health Unit. If the proposed expansion can not be serviced by an existing septic tank as determined by the County Environmental Health Unit, the developer will be required to connect to the City's water and sewer system pursuant to the provisions of Section 18-15 of the Leon County Code of Laws if the service is available pursuant to Section F above. If the service is not available pursuant to the provisions of Section F above, then the developer shall meet the provisions of Section G if the County Environmental Health Unit determines that the existing on-site septic tank can be enlarged or modified to service the proposed expansion. Drainfield expansion or repair shall not be considered expansion of the

EXPANSION OF EXISTING NON-RESIDENTIAL USES WITHIN THE CITY'S FRANCHISE AREA (Cont.)

existing on-site septic system. All proposed expansions of more than 2,500 square feet to existing non-residential developments within the City's franchise area shall be required to connect to City water and sewer.

J. REUSE OF AN EXISTING NON-RESIDENTIAL STRUCTURE WITHIN THE CITY'S FRANCHISE AREA

A proposed reuse of an existing non-residential structure (regardless of size and if the structure has not been abandoned pursuant to the provisions of Section 10-861 of the Leon County Code of Laws) inside of the City's franchise area serviced by an existing and properly functioning septic system as determined by the County Environmental Health Unit shall not be required to connect to the City's system even if service is available pursuant to Section F above if the proposed reuse can be serviced by the existing septic system as determined by the County Environmental Health Unit. If the proposed reuse can not be serviced by an existing septic tank as determined by the County Environmental Health Unit, the developer will be required to connect to the City's water and sewer system pursuant to the provisions of Section 18-15 of the Leon County Code of Laws if the service is available pursuant to Section F above. If the service is not available pursuant to the provisions of Section F above, then the developer shall meet the provisions of Section G above. Drainfield expansion or repair shall not be considered expansion of the existing on-site septic system.

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